

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

This declaration is of the following type:

- ☐ original
- ☐ divisional
- ☐ continuation
- ☒ continuation-in-part

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

***"Bitwise Monitoring of Network Performance"***

**SPECIFICATION IDENTIFICATION**

The specification of which:

- ☒ is attached hereto
- ☐ was filed on \_\_, under Serial No. (unknown), executed on even date herewith; or
  - ☐ Express Mail No. \_\_ (as Serial No. not yet known)
  - and was amended on \_\_\_\_\_ (if applicable)
- ☐ was described and claimed in PCT International Application No. \_\_\_\_\_  
filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_.

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which is material to the examination of this application; namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

**PRIORITY CLAIM (35 U.S.C. §119)**

I hereby claim priority benefits under Title 35, United States Code, §119(e), of:  
provisional application no. 60/216,662, filed July 6, 2000, and  
provisional application no. 60/190,691, filed March 20, 2000.

**PRIORITY CLAIM (35 U.S.C. §120)**

I hereby claim the benefit under Title 35, United States Code, §120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information that is material to the examination of this application (namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

- [ ] No such applications have been filed  
 [X] Such applications have been filed, as follows:

Serial No.	Filing Date	Status		
		Patented	Pending	Abandoned
09/550,955	April 17, 2000		X	

### POWER OF ATTORNEY

I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Jon L. Roberts	Registration No. 31,293
John K. Abokhair	Registration No. 30,537
Kevin L. Pontius	Registration No. 37,512
Christopher B. Kilner	Registration No. 45,381
Nathan J. Wolf	Registration No. 39,075
Timothy W. Graves	Registration No. 45,940

#### Send correspondence to:

#### Direct telephone calls to:

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Kevin L. Pontius  
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### DECLARATION

*I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.*

Full name of sole or first inventor: James XANTHOS

Inventor's signature: [Signature] Date: 2 JUL 01

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Country of Citizenship: U.S.A.

Full name of second inventor: Mark McDOWELL


Inventor's signature: Mark McDowell Date: 7-3-01

Residence: Alexandria, Virginia

Post Office Address: 5008 John Ticer Drive  
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 U.S.A.

Country of Citizenship: U.S.A.

Full name of **third** inventor: Graham STEAD

Inventor's signature: 

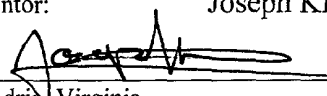
Date: 07/05/01

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Country of Citizenship: U.S.A.

Full name of **fourth** inventor: Joseph KHALIL

Inventor's signature: 


Date: 7/3/01

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Country of Citizenship: U.S.A.

Full name of **fifth** inventor: David HELINSKI

Inventor's signature: 

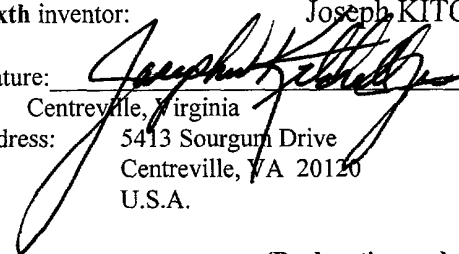
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Full name of **sixth** inventor: Joseph KITCHELL

Inventor's signature: 

Date: 2 Jul 01

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(Declaration ends with this page)